

### **REMARKS/ARGUMENTS**

Upon entry of the present amendment, claims 110-127 will be pending in this application and are presented for examination. Claims 1-109 remain canceled. Claims 110 and 111 been amended to correct a formality issue noted by the Applicants. No new matter has been introduced. Reconsideration of the rejected claims is respectfully requested.

#### **I. Priority**

The Examiner has denied the granting of benefit of the claimed priority to the claimed prior Application Nos. 09/640,953, 09/054,832, 09/431,385 and 09/054,830 alleging that these prior applications do not disclose the nearest-neighbor methods for calculation of melting temperatures or duplex stability as recited in the instant claimed invention. Applicants do not necessarily acquiesce with the Examiner, however, in the interest of furthering the prosecution, Applicants in the previous Office Response have addressed the cited prior art references having a reference date after the earliest priority date of April 3, 1998 filing date of application 09/054,830, but before the November 28, 2000 filing date of application 09/724,959.

#### **II. Double Patenting**

Claims 110-116 and 118-121 have been provisionally rejected under the judicially-created doctrine of double patenting over claims 1-2 and 6-9 of copending Application No. 10/176,972. Applicants submit herewith a Terminal Disclaimer to obviate the double-patenting rejection.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the provisional double patenting rejection.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Zhe Wu  
Reg. No. 52,377

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
Attachments  
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